IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 2548 of 2003

Between:

Gurram Reddappa S/o Sidda Reddy
R/o Pileru, Pileru (M),
Chittoor Dist.

..... PETITIONER

AND

1 The District Collector Chittor District, Chittoor
2 The Sub Collector Madanapalle, Chittoor Dist.
3 The Mandal Revenue Officer Piler (M), Chittoor Dist.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased toissue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in passing the impugned proceedings vide ROC.B1/5538/2002 dt: 20-11-2002, purportedly cancelling the assignment granted to the petitioner by the 3rd respondent vide his proceedings No.88-4-1405 dt: 10-4-1996, unilaterally and further directing the 3rd respondent to resume the land situated in Sy.Nos.469/8B of land admeasuring Ac.0-75 cents at pileru (V), Chittoor Dist. assigned to the petitioner herein, to the Govt. and report compliance as illegal, arbitrary and in violation of Articles 14, 21 and also in violation of Board Standing orders and consequently direct the respondents not to resort to any such illegal act without following due process of law

Counsel for the Petitioner:MR.J.SRINADH REDDY

Counsel for the Respondents.: GP FOR ASSIGNMENT

The Court made the following :

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ORDER:

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1. When WVMP No.940 of 2005 is taken up for hearing, there is no representation on behalf of the writ petitioner who is the respondent in the vacate stay petition. Since the issue relates to the cancellation of the assignment granted in favour of the writ petitioner, I deem it appropriate to take up the main writ petition itself, instead passing orders on the vacate stay petition.

2. Gurram Reddeppa Reddy filed writ petition with a prayer to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 2nd respondent in passing the impugned proceeding vide ROC B1/5538/2002, dated 20-11-2002, purportedly cancelling the assignment granted to the petitioner by the 3rd respondent vide his proceedings NO. 88-4-1405, dated 10-4-1996.

3. Heard the learned Government Pleader for Assignment and perused the records.

4. Gurram Reddeppa Reddy has given his sworn affidavit in support of the writ petition. It is stated in the affidavit that the Mandal Revenue Officer-3rd Respondent assigned land admeasuring 0-75 cents, situated in Survey No. 469/8B, situated at Pileru village, Chittoor District for agriculture purpose vide proceeding No. 88-4-1405. While so, the Sub-Collector, Madanapalle, Chittoor District-2nd respondent herein issued proceeding ROC B1/5538/2002, dated 20-11-2002 directing the Mandal Revenue Officer to resume the assigned land to him to Government and report compliance.

5. It is the grievance of the writ petitioner that no notice has been issued before ordering resumption of the land. This factual aspect has not been disputed by the Government Pleader appearing on behalf of the respondents. Such is the case, the proceedings issued by the Sub-Collector ordering resumption of the land to the Government cannot be sustained.

6. In the result, the writ petition is allowed and the proceedings vide ROC.B1/5538/2002, dated 20-11-2002 is set aside and the respondents are directed to follow the procedure contemplated under the Andhra Pradesh Assigned Land (Prohibition and Transfers) Act, 1977 and the Rules there under, before resumption the land to the Government. No order as to costs.

B.Seshasayana Reddy,J.

13th June, 2005

KM

That Rule Nisi has been made absolute as bove.

Witness the Hon'ble the Acting Chief Justice Bilal Naziki on this Monday the thirteenth day of June two thousand and five.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector Chittor District, Chittoor
2 The Sub Collector Madanapalle, Chittoor Dist.
3 The Mandal Revenue Officer Piler (M), Chittoor Dist.

4. 2 CCs to G.P. for Assignment, High Court Buildings, Hyderabad (OUT)

5. 2 CD copies

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

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13th June, 2005.